

ON THE STYLISTIC FEATURES OF BIDDING AND TENDER DOCUMENTS

As English bidding and tender documents are the guideline and basis of law in international competitive bidding. To understand and master the stylistic features of bidding and tender documents whose primary goal is to safeguard the rights and benefits of the tenderers and make sure the business activities will go smoothly. Based on the analysis of typical examples, we can achieve the characteristics of bidding and tender documents from three aspects.

Accuracy

When translating bidding and tender documents, we should try our best to make the language as accurate as possible. A certain style has its own characteristics of language. So the selection of vocabulary is very important for the realization of the stylistic features.

First, in order to achieve accuracy and precision, the technical terminologies are widely used in bidding and tender documents. The technical meaning of words in documents has often stabilized, clarified, single and precise. What is more, the technical terms are not in daily use and it is so obscure that the non-professionals cannot understand the meanings and expressions; they must look up the technical dictionaries or consult the corresponding experts. Here we list some examples:

Tort

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Know-how □□□□

Industrial Property Rights □□□□

Specification Deviation Form □□□□□□□□

Prequalified of tenderers □□□□□□□□

Bid Schedule of Prices □□□□□□□□□□□□□□□□

Form for Bid Security □□□□□□□□

Second, in daily-used English, we tend to introduce to a participant or a matter for the first time by clear explanation to the audience, but for the second time mentioning, we may use proper pronouns instead of them. However, in bidding and tender documents, pronouns are mostly forbidden; this is for the accuracy and precision and avoidance of any possible ambiguity.

As pronouns have ambiguous meaning. Once any dispute arising from it, both parties cannot protect themselves efficiently. Therefore, we can find a name or full noun is repeated over and over again. It apparently makes the sentences sound wordy but very well-demonstrated and accurate. For example:

Should the Sub-contractor have any *claims or demands* against the Contractor and such *claims or demands* are similar or the same as *claims or demands* the Contractor has against the Employer, Engineer or Third Party, the Sub-Contractor shall make no *claims or demands* against the Contractor but will jointly with the Contractor prepare such *claims or demands* against the party or parties considered to be at fault.

Conventionality

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Actually, bidding and tender documents belong to trade contract and have law language in it. So the choice of words and building of sentence must strive for conventionality, clear and dignity.

The formal words indicate that this is a special occasion and quite different from ordinary course. Formal language is rarely used in general English, but it can be seen clearly that the formal words are often used in bidding and tender documents to achieve the formality, which is one of the striking characteristics of bidding and tender documents vocabulary. We list some examples:

Formal words	Common words
<i>Manufacture</i>	<i>produce</i>
<i>notify</i>	<i>tell</i>
<i>terminate</i>	<i>end</i>
<i>constitute</i>	<i>form</i>
<i>employ</i>	<i>use</i>
<i>prior to</i>	<i>before</i>
<i>endorse</i>	<i>sign</i>
<i>in the event of</i>	<i>in case of</i>

What's more, in bidding and tender documents, we can find a lot of words like *herein*, *hereby*, *therein*, *thereafter* and so on. These words called archaisms. Although archaisms sound difficult and out of dated, translators still prefer *hereinafter* rather than later in this official paper

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which exactly performs same functions. For one hand, it is a kind of tradition to use archaisms. For the other hand, translators tend to consider that these archaisms can make the bidding and tender documents clearer and less ambiguous reference which may give greater weight and authority to the language. Words like *hereof* and *hereinbefore* can offer more help to the economy language than those longer phrases like “of this document or before in this document”.

As a typical formal document, archaic words still exist, which are easy to understand for the professionals but to most non-professionals are a little bit confused. According to David Crystal and Derek Davy, “It is especially noticeable that any passage of legal English is usually well studded with archaic words and phrases of a kind that could be used by no one else but lawyers.” So it means the use of archaism is a distinctive feature of a formal document, and aiming at avoiding unnecessary repetition, not often occurring in any other varieties of English. Because of its unique, the use of archaism is one of the most remarkable characteristics of bidding and tender documents and can help to achieve the formality and dignity. There actual use can be seen in the following examples:

1. In witness *whereof*, both parties set their hands on the date here in mentioned.

2. This contract is made and concluded by and between ABC Corporation (*hereinafter* called Party A) and BARMAG Company (*hereinafter* called Party B) *whereby* the parties *hereto* agree to enter into compensation trade under the terms and conditions set forth below.

Rigor

The rigor of bidding and tender documents, we can find it from

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juxtaposition, which refers to joining synonyms, near-synonyms and relevant words together with “and” and “or”. The juxtaposition is a style marker in bidding and tender documents, which can complement the description and avoid ambiguity. When synonyms and near-synonyms are connected with and and “or”, the second part is often used to reaffirm and complement the first part, when a dispute appears, this kind of expression can help both parties to understand the precise meaning of a certain word and also to make the bidding and tender documents rigid, complete and classic. Look at the following example:

It is the intent of the parties that all documents and annexes forming part hereof of shall be read and taken together and that each and every provision or stipulation hereof be given full force, effect and applicability. However, in the event that one or more provisions or stipulation herein be declared null and void by the courts, or otherwise rendered ineffective, the remaining provisions and stipulations shall not be effected thereby.

The syntactic structures of bidding and tender documents are complex and often lay much emphasis on the completeness and rigor of the meaning of sentence, not pay much attention to the simplicity and conciseness of the documents. So the declarative sentence and long complex sentence are widely used to achieve the rigor when establishing bidding and tender documents, agreements, promises, obligations and rights are discussed and listed with legal force. When establishing bidding and tender documents, usually the declarative sentence is used to declare, interpret, state, or regulate the rights and obligations for two parties. The frequent usage of declarative sentence make the documents look more objective and plainness.

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Example: All bids are to be validity received by China National Machinery Import and Export Corporation before 10:00 am on the specified opening date at the address below. Bids will be opened at 10:30 am December 20, 2001 (Beijing time)

Concerning the long sentence, sometimes hundreds of words are used in one sentence. The translator tends to compress a large amount of information into one sentence. Sometimes one sentence is a unique paragraph. There are two advantages to use long sentence in bidding and tender documents. First of all, the long sentence can make the documents more logical and solemn.

Second, it can define under what kind of circumstances, in what manner, when and where the parties exercise their rights or assume their obligations, which can avoid the flaws and holes in the clauses. So when there is a dispute, it is more likely to protect the legal interests of the parties. Tiersma believes that: "A motivation for lengthy sentences is the desire to place all information on a particular topic into one self-contained unit".

Example: The tender should be informed that, if he has delivered, posted or dispatched his tender prior to the formal submission date he has the right to modify or make corrections to it. Provided that any such modifications or corrections are received by the employer /engineer in writing prior to the time specified for submission of tenders. The original tender thus modified or corrected would then be considered as the official tender.

After have a general view of the stylistic features of bidding and tender documents. With a mastery of these features we can have a better understanding of bidding and tender documents.

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